

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA) CR No.: 3:01-506-JFA
)
)
v.) ORDER
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)
RONALD PAYNE)
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The defendant has moved to alter or amend this court's amended judgment of July 19, 2012 (ECF No. 477) which reduced his term of imprisonment from 210 to 198 months pursuant to 18 U.S.C. § 3582 and Amendment 750 to the United States Sentencing Guidelines.

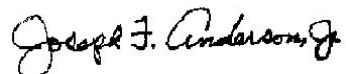
In his present motion to alter the amended judgment, the defendant seeks this court's recommendation to the Federal Bureau of Prisons (BOP) that the defendant be allowed to participate in the BOP's Residential Drug Abuse Program ("RDAP") so that the defendant could apply for eligibility for a reduction of up to one year and release to a halfway house under 18 U.S.C. § 3621(e)(2). The defendant has not indicated whether he has even applied yet with the BOP or if he is eligible for the 500-hour RDAP.

A proceeding under § 3582(c)(2) is a limited action permitting only a limited adjustment to an otherwise final sentence. It is not a plenary sentencing hearing. *See Dillon v. United States*, 130 S. Ct. 2683 (2010). Thus, this court does not have the authority to make the recommendations sought by Payne in his motion. Alternatively, even if the court had the authority to make such a recommendation, it would decline to do so in light of the procedural

history of this case. Finally, any indication by this court would be a recommendation only and not binding on the Bureau of Prisons.

For all the foregoing reasons, the defendant's motion (ECF No. 478) is denied.

IT IS SO ORDERED.



September 14, 2012
Columbia, South Carolina

Joseph F. Anderson, Jr.
United States District Judge